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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/479,433	01/07/2000	Sunil Khaunte	CISCP135/1935	3028

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EXAMINER

JUNTIMA, NITTAYA

ART UNIT	PAPER NUMBER
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2663

DATE MAILED: 04/08/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/479,433

Applicant(s)

KHAUNTE ET AL.

Examiner

Nittaya Juntima

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01/07/2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7, 8-10, 17-21, 24-27, 34 and 37-38 is/are rejected.
- 7) ☒ Claim(s) 5, 6, 11-16, 22, 23, 28-33, 35, 36 and 39-42 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01/07/2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

1. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Specification*

2. The abstract of the disclosure is objected to because of undue length. Correction is required. See MPEP § 608.01(b).

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-4, 7, 9-10, 17-21, 24, 26-27, 34, and 37**, are rejected under 35 U.S.C. 103(a) as being unpatentable over "*Data-Over-Cable Service Interface Specifications*" by Cable Television Laboratories, Inc.

Per **claim 1**, Cable Television Laboratories, Inc. teaches *an access network* (cable network in Fig. 3-3, pg. 13), *a Head End* (Headend in Fig. 1-2, pg. 3), *a plurality of nodes* (Cable Modems, CMs #1-2 in Fig. 3-3, pg. 13), *an access control system* (CMTS in Fig. 1-2, pg.

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3 and Fig. 3-3, pg. 13), **a current time reference source** (a current time reference source is inherently included in the Head End to provide time reference, section 7.1, 1<sup>st</sup> paragraph, pg. 103), **at least one downstream channel** (a downstream channel on fiber connecting between Head End transmitter and O/E node is used by the Head End to communicate with cable modems, Fig. 1-2, pg. 3 and Fig. 3-3, pg. 13), **at least one shared-access upstream channel** (a shared-access upstream channel on fiber is connecting between Head End transmitter and O/E node and in communication with cable modems, Fig. 1-2, pg. 3 and Fig. 3-3, pg. 13), **a MAP generating device** (as MAP PDUs must be transmitted by CMTS to the cable modems to define transmission opportunities on the upstream channel, therefore, it is inherent that a MAP generating device must be included in the CMTS to generate MAP for transmission, lines 1-2 and section 7.1.1, pg. 104), **future allocation start time (SAT)** (alloc start time, Fig. 6-19, pg. 75), **a Lookahead Time (LAT) value** (a Lookahead Time value reads on the difference between  $t_1$  and  $t_3$  where  $t_1$  is a current time value and  $t_3$  is an effective starting time (SAT), Fig. 7-2 and section 7.1.6, pg. 108), **obtaining propagation delay data** (initial and periodic ranging processes performed between CMTS and a cable modem (a node or a portion of the plurality of nodes) are used to acquire the timing offset which includes the roundtrip propagation delay and the processing delay, section 6.3.5, 1<sup>st</sup> paragraph, lines 1-2, pg. 78, ~~lines 1-3~~ and section 7.3.3, pgs. 110-111).

Cable Television Laboratories, Inc. does not teach **dynamically adjusting the Lookahead Time value using the propagation delay data**. However, Cable Television Laboratories, Inc. further teaches that the roundtrip propagation delay is included in the LAT value (item 1, section 7.1.6, pg. 108).

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Therefore, it would have been obvious to one skilled in the art to use the<sup>rtd</sup> propagation delay obtained from initial and periodic ranging processes to dynamically adjusting the Lookahead Time value which also includes the<sup>rtd</sup> propagation delay in order to periodically reflect any changes in the propagation delay in attempt to minimize the overall delay and achieve the minimal latency of access to the upstream channel.

**Claim 17** is a Head End claim corresponding to method claim 1, and is rejected for the same reason set forth in claim 1.

**Claim 34** is a computer program product claim corresponding to method claim 1, and is rejected for the same reason set forth in claim 1 with the addition that Cable Television Laboratories, Inc. does not teach a computer usable medium having computer readable code which comprises computer code. However, it would have been obvious to one skilled in the art to include computer code, computer readable code, and a computer usable medium into the claimed computer program product because one skilled in the art would want to improve performance of an access network by automatically executing the computer code which instructs computer to obtain propagation delay data and dynamically adjust the Lookahead Time value, and have such computer code in a form of computer readable code (1's and 0's) installed in a computer usable medium such as a diskette and CD-ROM for easy implementation and portability purposes.

Per **claims 2 and 18**, Cable Television Laboratories, Inc. teaches *determining a minimum propagation delay value corresponding to a farthest on-line node on the at least one upstream channel* (initial and periodic ranging processes performed between CMTS and a farthest on-line node, i.e. a cable modem CM# 2 in Fig. 3-3, pg. 13 on an upstream channel, are

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used to acquire the timing offset which includes the roundtrip propagation delay of CM# 2, section 6.3.5, 1<sup>st</sup> paragraph, lines 1-2, pg. 78, lines 1-3 and section 7.3.3, pgs. 110-111), and ***calculating the Lookahead Time value using the minimum propagation delay value*** (in a case when a farthest on-line node is the first node to communicate with CMTS during the initial and periodic ranging processes, the minimum propagation delay value of a farthest on-line node on one upstream channel would be used to calculate and adjust the LAT).

Per **claims 3 and 19**, it is inherent that the minimum propagation delay value is a maximum runtime propagation delay for the at least one upstream channel since the minimum propagation delay value is in fact the propagation delay value of the a farthest on-line node with the longest distance from the CMTS on a given upstream channel.

Per **claim 4**, Cable Television Laboratories, Inc. teaches ***the LAT*** (a Lookahead Time value reads on the difference between  $t_1$  and  $t_3$  where  $t_1$  is a current time value and  $t_3$  is an effective starting time (SAT), Fig. 7-2 and section 7.1.6, pg. 108) ***is calculated by adding a MAP construction delay at the Head End*** (queuing delays within the CMST), ***an interleaver delay*** (PMD-layer FEC interleaving), ***the minimum propagation delay*** (worst-case round-trip propagation delay), and ***a MAP processing delay at a network node*** (CM MAP processing time), (section 7.1.5, pg. 107).

Per **claims 7, 24, and 37**, Cable Television Laboratories, Inc. teaches that the access network is ***a cable network*** (cable network in Fig. 3-3, pg. 13), the plurality of nodes are cable modems (Cable Modems, CM #1-2 in Fig. 3-3, pg. 13), the access control system is ***a Cable Modem Termination System*** (CMTS in Fig. 1-2, pg. 3 and Fig. 3-3, pg. 13), and the propagation

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delay data corresponds to *offset data* (the timing offset, lines 1-3, pg. 110, and section 7.3.3, pgs. 110-111).

Per **claims 9-10 and 26-27**, Cable Television Laboratories, Inc. teaches that ranging procedure is *an initial ranging procedure* and *a periodic ranging procedure* performed between the node (cable modem) and the access control system (CMST) (section 6.3.5, 1<sup>st</sup> paragraph, lines 1-2, pg. 78 and section 7.3.3, pgs. 110-111).

Per **claims 20 and 21**, Cable Television Laboratories, Inc. does not teach storing a minimum propagation delay value and an optimized LAT value. However, it would have been obvious to one skilled in the art to *store a minimum propagation delay value corresponding to a farthest on-line node on the at least one upstream channel in the memory* for the adjustment of the LAT, and to also *store an optimized LAT value* (not further defined, therefore, an optimized LAT value is read on the propagation delay of a farthest on-line node – worst case propagation delay) derived from the minimum propagation delay value so it can be used as a LAT for the farthest on-line node during MAP generation and transmission.

**Claims 8, 25, and 38**, are rejected under 35 U.S.C. 103(a) as being unpatentable over “*Data-Over-Cable Service Interface Specifications*” by Cable Television Laboratories, Inc. in view of Raissinia et al. (USPN 6,430,193 B1).

Cable Television Laboratories, Inc. does not teach that the access network is a wireless network.

However, as shown in Fig. 1, Raissinia et al. teaches that the access network is a wireless network (a point-to-multipoint wireless communication network 100, col. 2, lines 4-28 and col. 3, lines 64-67-col. 4, lines 1-23 and 40-54).

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Given the teaching of Raissinia et al., it would have been obvious to one skilled in the art to include a wireless network such as a point-to-multipoint wireless communication network in the access network, i.e. the cable network, taught by Cable Television Laboratories, Inc. as they both involve the same concept of access to a shared medium in order to take advantage of low cost hardware and software which are readily available (Raissinia et al., col. 2, lines 29-35).

#### *Allowable Subject Matter*

4. Claims 5-6, 11-16, 22-23, 28-33, 35-36, and 39-42 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### *Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Nazarathy et al. (USPN 6,490,727 B1), disclosing that timing offset includes round trip propagation delay and processing delay (col. 7, lines 31-36); and

- Lide (USPN 6,181,716), disclosing synchronizing packet availability with the Unsolicited Grant data transfer opportunities in a DOCSIS 1.1 cable.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nittaya Juntima whose telephone number is 703-306-4821. The examiner can normally be reached on Monday through Friday, 8:00 A.M - 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 703-308-5340. The fax phone numbers for the



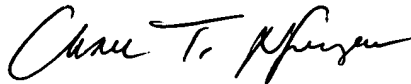
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organization where this application or proceeding is assigned are 703-746-9408 for regular communications and 703-827-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Nittaya Juntima  
April 3, 2003

*NJ*



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